

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application into condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-8 are pending in this application. Claims 1 and 6 are independent. Claims 1, 6, and 7 are hereby amended. Support for this amendment is provided throughout the Specification as originally filed. It is submitted that these claims, as originally presented, were in full compliance with the requirements 35 U.S.C. §112. No new matter has been introduced by this amendment. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which the Applicant is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1-3 and 5-8 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,349,479 to Arimura, et al. in view of U.S. Patent No. 5,802,243 to Yao, et al., U.S. Patent No. 5,311,375 to Ikushima, et al., U.S. Patent No. 5,907,656 to Oguro, and in further view of U.S. Patent No. 5,971,281 to Frary, et al.

Claim 4 was rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over U.S. Patent No. 5,349,479 to Arimura, et al. in view of U.S. Patent No. 5,802,243 to Yao,

et al., U.S. Patent No. 5,311,375 to Ikushima, et al., U.S. Patent No. 5,907,656 to Oguro, and in further view of U.S. Patent No. 6,307,701 to Beavers, et al.

III. RESPONSE TO REJECTIONS

Independent claim 1, as amended, now recites:

“...driving control means for controlling the running speed of said video tape by said driving means, first, in accordance with the quantity of data stored in said buffer memory when said video data is being temporarily stored in said buffer memory and is to be delivered to said external apparatus via said interface, and, **second, in accordance with a network transmission speed when said video data is being transmitted from an external apparatus via said interface...**” (emphasis added)

As understood by Applicant, U.S. Patent No. 5,349,479 to Arimura, et al. (hereinafter, merely “Arimura”) relates to a data transfer method of a magnetic recording/reproducing apparatus that makes it unnecessary to repeatedly stop and start a recording operation in spite of changes in transfer interval and density of data transmitted between a host computer and the magnetic recording/reproducing apparatus, and which shortens the waiting time of the host computer.

As understood by Applicant, U.S. Patent No. 5,802,243 to Yao, et al. (hereinafter, merely “Yao”) relates to a time-expansion method and system for slower than real time playback with videocassette recorders. A videocassette recorder records digital data at one tape speed and plays it back at one twentieth of the recording speed, both with a fixed rotation of a drum head.

As understood by Applicant, U.S. Patent No. 5,311,375 to Ikushima, et al. (hereinafter, merely “Ikushima”) relates to a recording head arrangement for video signal

recording or reproducing, in which a video tape is helically wound on a drum carrying recording heads for recording and/or reproducing a video signal.

U.S. Patent No. 5,907,656 to Oguro (hereinafter, merely “Oguro”) relates to an apparatus and method for reproducing video signals with varying-magnitude AGC signals.

As understood by Applicant, U.S. Patent No. 5,971,281 to Frary, et al. (hereinafter, merely “Frary”) relates to a method for storing multiple logical data volumes on a single physical volume utilizing writable labels and physical volume produced thereby.

Applicant submits that Arimura, Yao, Ikushima, Oguro, nor Frary, taken alone or in combination, disclose or suggest the above-identified features of claim 1.

Furthermore, Applicant submits that the combination relied upon by the Office Action lacks motivation. Specifically, Applicant submits that one of ordinary skill in the art would not be motivated to combine Frary with a reference such as Yao or Ikushima since Frary relates to a data storage and references such as Yao and Ikushima relate to video-cassette recorders. Applicant submits that the combination is a result of impermissible hindsight. It is impermissible to use the claimed invention as a “template” to piece together the teachings of the prior art so that the claimed invention is rendered obvious. It is well-established that one cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention. (See, *In re Fritch*, 972 F. 2d 1260, 23 USPQ2d 1780, 1784 (Fed. Cir. 1992)).

Therefore, independent claim 1 is believed to be patentable.

For reasons similar to those described above with regard to independent claim 1, amended independent claim 6 is also believed to be patentable.

IV. DEPENDENT CLAIMS

The other claims in this application are dependent from one of the amended independent claims discussed above and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

In the event the Examiner disagrees with any of the statements appearing above with respect to the disclosures in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate the portion, or portions, of the reference, or references, providing the basis for a contrary view.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicant respectfully requests early passage to issue of the present application.

Please charge any fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

Respectfully submitted,
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